

Transportation Appropriations Bill Senate File 2381

Last Action:

**Senate Appropriations
Committee**

March 17, 2010

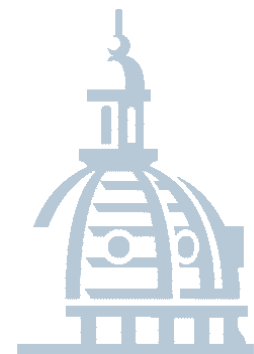
An Act relating to and making transportation and other infrastructure-related appropriations to the Department of Transportation, including allocation and use of moneys from the Road Use Tax Fund and the Primary Road Fund, providing for properly related matters, and making penalties applicable.

NOTES ON BILLS AND AMENDMENTS (NOBA)

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Fiscal Services Division

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**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2381
TRANSPORTATION APPROPRIATIONS BILL**

FUNDING SUMMARY

**MAJOR INCREASES AND
DECREASES**

- Appropriates a total of \$350.7 million to the Department of Transportation (DOT). This includes \$48.9 million from the Road Use Tax Fund, \$301.8 million from the Primary Road Fund, and 3,373.0 FTE positions. This is a net decrease of \$1.6 million and 20.0 FTE positions compared to estimated FY 2010.
- Appropriates \$3.9 million from the Road Use Tax Fund for driver's license production and central issuance. This is an increase of \$162,000 compared to estimated FY 2010. The increase will provide the DOT with a total of \$324,000 for electronic processing of payments for driver's licenses. (Page 1, Line 7)
- Appropriates \$47.6 million and 312.0 FTE positions from the Road Use Tax Fund and Primary Road Fund for the Operations budget unit. This is an increase of \$75,000 and 1.0 FTE position that are being transferred from the Highways budget unit beginning in FY 2011. The Department is creating a new Civil Rights position with the FTE position. (Page 1, Line 16 and Page 3, Line 1)
- Appropriates \$37.2 million and 478.0 FTE positions from the Road Use Tax Fund and Primary Road Fund for the Motor Vehicles budget unit. This is a net decrease of \$1.2 million and 20.0 FTE positions compared to estimated FY 2010. (Page 1, Line 22 and Page 3, Line 13)
- Appropriates \$237.6 million and 2,452.0 FTE positions from the Primary Road Fund for the Highways budget unit. This is a net increase of \$1.3 million and decrease of 1.0 FTE positions compared to estimated FY 2010. (Page 3, Line 10)
Changes include:
 - A decrease of \$75,000 and 1.0 FTE position transferred to the Operations budget unit.
 - An increase of \$1.2 million for salt costs.
 - An increase of \$142,000 to support additional lane miles added to the State road system.
- Appropriates \$3.4 million from the Road Use Tax Fund and Primary Road Fund for workers' compensation costs. This is a decrease of \$133,000 compared to estimated FY 2010. (Page 1, Line 29 and Page 3, Line 21)
- Appropriates \$1.4 million from the Road Use Tax Fund for county treasurers' support for issuing driver's licenses. This is a net increase of \$12,000 compared to estimated FY 2010. (Page 2, Line 4)
Changes include:
 - An increase of \$87,000 for electronic processing of payments for driver's licenses. The counties will have a total of \$174,000 for electronic processing in FY 2011.
 - A decrease of \$75,000 for software costs.
- Appropriates \$1.0 million from the Primary Road Fund for wastewater treatment improvements at 20 maintenance garages. This is a new appropriation for FY 2011 and is anticipated to be a seven-year effort requiring approximately \$1.0 million each year. (Page 4, Line 19)

**EXECUTIVE SUMMARY
NOTES ON BILLS AND AMENDMENTS**

**SENATE FILE 2381
TRANSPORTATION APPROPRIATIONS BILL**

MISCELLANEOUS CODE CHANGES

- Amends an exemption from the restriction on all-terrain vehicles operated on highways under Code Section 321.234A so that “incidental to the vehicle’s use for agricultural purposes” includes stopping to get fuel for the vehicle, or food or non-alcoholic drink for the operator. (Page 4, Line 32)
- Amends provisions relating to child restraint and seat belts for minors so that all children under the age of 18 must be in an approved child-restraint system or seat belt regardless of seating position, except for those on a school bus or motorcycle. (Page 5, Line 9)
- Provides an exemption to child restraint requirements in Code Section 321.446 for a child sitting in the back seat if all seat belts are used by other occupants or cannot be used because use of a child restraint system in the seat that has the seat belt. (Page 7, Line 3)

EFFECTIVE DATE

- This Bill is effective on July 1, 2010.

Senate File 2381

Senate File 2381 provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
1	13	1.1	Nwthstnd	Sec. 8.33	Nonreversion of Funds for Production of Driver's Licenses
2	23	1.12	Nwthstnd	Sec. 8.33	Nonreversion of Funds for MVD Field Facility Maintenance
4	24	2.16	Nwthstnd	Sec. 8.33	Nonreversion of Funds for Capital Projects
4	34	3	Amends	Sec. 321.234A	Clarifies Exemption to a Restriction on All-Terrain Vehicles
5	9	4 and 5	Amends	321.445 and 321.446	Provisions Relating to Child-Restraints

1 1 DIVISION I
 1 2 APPROPRIATIONS
 1 3 Section 1. ROAD USE TAX FUND. There is appropriated
 1 4 from the road use tax fund created in section 312.1 to the
 1 5 department of transportation for the fiscal year beginning July
 1 6 1, 2010, and ending June 30, 2011, the following amounts, or
 1 7 so much thereof as is necessary, to be used for the purposes
 1 8 designated:

1 9 1. For the payment of costs associated with the production
 1 10 of driver's licenses, as defined in section 321.1, subsection
 1 11 20A:
 1 12 \$ 3,876,000

1 13 Notwithstanding section 8.33, moneys appropriated in this
 1 14 subsection that remain unencumbered or unobligated at the close
 1 15 of the fiscal year shall not revert but shall remain available
 1 16 for subsequent fiscal years for the purposes specified in this
 1 17 subsection.

1 18 2. For salaries, support, maintenance, and miscellaneous
 1 19 purposes:
 1 20 a. Operations:
 1 21 \$ 6,654,962

Division I, Section 1 provides appropriations from the Road Use Tax Fund to the Department of Transportation (DOT) for FY 2011.

Road Use Tax Fund appropriation to the DOT for costs associated with the production of driver's licenses.

DETAIL: This is an increase of \$162,000 compared to estimated FY 2010 for the implementation of electronic processing (use of debit or credit cards) for payment of driver's licenses, non-operator identification cards, and civil penalties. The Department received \$162,000 in the FY 2010 budget to provide funding for the last six months of the fiscal year. The DOT will have a total of \$324,000 available for electronic processing at State Driver's License stations in FY 2011. In addition, \$174,000 from the county treasurer appropriation in Section 1.8 will be used for electronic processing at county treasurer sites. The total amount that will be used for electronic processing for payment of driver's licenses in FY 2011 is \$498,000. The appropriation includes costs for the lease of the Driver's License Digitized Photo Imaging System.

CODE: Requires nonreversion of funds appropriated for production of driver's licenses.

Road Use Tax Fund appropriation to the Operations budget unit.

DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Operations budget unit also receives an appropriation of \$40,951,274 and 312.00 FTE positions from the

		Primary Road Fund in Section 2.1(a), for a total appropriation of \$47,606,236. This combined funding represents a net increase of \$75,000 and 1.00 FTE position. The net increase includes an increase of \$75,000 to transfer 1.00 FTE position and funding from the Highway budget unit to the Operations budget unit for a Civil Rights position. The DOT is creating a position to coordinate external and internal civil rights programs, including outreach to minority communities to aid in diversifying the workforce and to increase access to the Department.
1 22	b. Planning:	Road Use Tax Fund appropriation to the Planning budget unit.
1 23	..... \$ 506,127	DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Planning budget unit also receives an appropriation of \$9,610,960 and 131.00 FTE positions from the Primary Road Fund in Section 2.1(b), for a total appropriation of \$10,117,087. This combined funding represents no change compared to estimated FY 2010.
1 24	c. Motor vehicles:	Road Use Tax Fund appropriation to the Motor Vehicles budget unit.
1 25	..... \$ 35,604,012	DETAIL: This is a decrease of \$1,148,000 compared to estimated FY 2010. The Motor Vehicles budget unit also receives an appropriation of \$1,555,005 and 478.00 FTE positions from the Primary Road Fund in Section 2.1(d), for a total appropriation of \$37,159,017. This combined funding represents a net decrease of \$1,148,000 for 20.00 FTE positions associated with implementation of the federal REAL ID Act. The DOT advises that it will use existing systems and staff to implement the REAL ID Act instead of additional FTE positions as originally indicated.
1 26	3. For payments to the department of administrative	Road Use Tax Fund appropriation for payment to the Department of
1 27	services for utility services:	Administrative Services (DAS) for personnel and utility services.
1 28	..... \$ 225,000	DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department also receives an appropriation

		from the Primary Road Fund of \$1,382,000 for DAS Utility Services in Section 2.2, for a total appropriation of \$1,607,000. This combined funding represents no change compared to estimated FY 2010.
		Departments are required to purchase utility services (personnel and other services) through DAS. Utility services include: Human Resources Utility Services, General Services Utility Services, and Information Technology Utility Services. The utility costs also include funding for use of the 1/3 budget system and marketplace services offered by DAS.
1 29	4. Unemployment compensation:	
1 30	.....	Road Use Tax Fund appropriation for the payment of unemployment compensation costs.
	\$ 7,000	
		DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department also receives an appropriation of \$138,000 for unemployment compensation from the Primary Road Fund in Section 2.3, for a total appropriation of \$145,000. This combined funding represents no change compared to estimated FY 2010.
1 31	5. For payments to the department of administrative	
1 32	services for paying workers' compensation claims under chapter	Road Use Tax Fund appropriation for the payment of workers' compensation costs.
1 33	85 on behalf of employees of the department of transportation:	
1 34	.....	DETAIL: This is a decrease of \$5,000 compared to estimated FY 2010. The Department also receives an appropriation of \$3,278,000 for workers' compensation costs from the Primary Road Fund in Section 2.4, for a total appropriation of \$3,415,000. This combined funding represents a net decrease of \$133,000 compared to estimated FY 2010.
	\$ 137,000	
1 35	6. For payment to the general fund of the state for indirect	
2 1	cost recoveries:	Road Use Tax Fund appropriation for payment of indirect cost recoveries to the General Fund.
2 2	.....
	\$ 78,000	DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department also receives an appropriation

		of \$572,000 for indirect cost recoveries from the Primary Road Fund in Section 2.6, for a total appropriation of \$650,000. This combined funding represents no change compared to estimated FY 2010.
		Code Section 8A.505 requires the DOT to make payments to the General Fund for recovery of indirect costs associated with centralized services provided by other State agencies that receive funding from the General Fund.
2 3	7. For reimbursement to the auditor of state for audit	Road Use Tax Fund appropriation for State Auditor reimbursement.
2 4	expenses as provided in section 11.5B:	
2 5	..... \$ 67,319	DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department also receives an appropriation of \$415,181 for State Auditor expenses from the Primary Road Fund in Section 2.7, for a total appropriation of \$482,500. This combined funding represents no change compared to estimated FY 2010.
2 6	8. For automation, telecommunications, and related costs	Road Use Tax Fund appropriation to support the issuance of driver's
2 7	associated with the county issuance of driver's licenses and	licenses, vehicle registrations, and titles at county treasurer offices
2 8	vehicle registrations and titles:	throughout the State.
2 9	..... \$ 1,406,000	DETAIL: This is a net increase of \$12,000 compared to estimated FY 2010. The increase reflects an increase of \$87,000 for electronic processing (debit and credit cards) of payments for driver's license at county treasurer sites and a decrease of \$75,000 for software costs. Of the total amount appropriated, \$174,000 will be used for electronic processing at county treasurer sites for FY 2011.
		In addition to this appropriation, the Department receives an annual Road Use Tax Fund standing appropriation of \$650,000 for the purchase of automation and telecommunications equipment, and support for issuing vehicle registrations, titles, and driver's licenses at county treasurer offices.
2 10	9. For transfer to the department of public safety for	Road Use Tax Fund appropriation for costs associated with the 511
2 11	operating a system providing toll-free telephone road and	toll-free telephone road and weather reporting system.
2 12	weather conditions information:	

2 13 \$ 100,000

DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Iowa 511 Travel Information Service provides weather-related road conditions, traffic incidents, and highway construction information 24 hours a day, seven days a week. A consortium of states pooled costs to develop the 511 system including Iowa, Alaska, Kentucky, Maine, Minnesota, New Hampshire, New Mexico and Vermont. The Iowa 511 service includes interstates, U.S. routes, and portions of some State highways. It currently does not include county roads or city streets.

2 14 10. For costs associated with the participation in the
2 15 Mississippi river parkway commission:
2 16 \$ 40,000

Road Use Tax Fund appropriation for the Mississippi River Parkway Commission.

DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Mississippi River Parkway Commission is a multi-state organization that is comprised of the states bordering the Mississippi River, including Arkansas, Illinois, Iowa, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Tennessee, and Wisconsin. Each state has its own individual commission. Iowa's Mississippi Parkway Planning Commission is established in Code Section 308.1 and is responsible for promoting transportation and tourism along the 326-mile Iowa Great River Road. Specifically, the Commission develops and implements a Corridor Management Plan. The Plan includes establishing signage requirements, restrictions on outdoor advertising, methods to market and promote the Corridor, and actions to involve the public. This appropriation will fund annual organization dues and operational costs.

2 17 11. For membership in North America's supercorridor
2 18 coalition:
2 19 \$ 50,000

Road Use Tax Fund appropriation for membership in the North America's Super Highway Corridor Coalition.

DETAIL: Maintains the current level of funding. The Department has received an appropriation for membership in the Coalition since its creation. The Coalition is a non-profit organization that consists of members from various governmental entities, industry, and other entities that promote infrastructure and technology improvements along the International Mid-Continent Trade Corridor, including I-35, I-29, I-80/I-94 and other east/west connectors to these highways. The

		Coalition also lobbies for federal funding for Corridor-related projects. Projects include creating international trade processing centers that will expedite cross-border trade and increase security along the Corridor.
2 20	12. For motor vehicle division field facility maintenance	Road Use Tax Fund appropriation for Motor Vehicle Division field
2 21	projects at various locations:	facility maintenance projects at various locations throughout the State.
2 22	..... \$ 200,000	DETAIL: Maintains the current level of funding compared to
		estimated FY 2010. Funds are used to maintain weigh scales and
		driver's license stations.
2 23	For purposes of section 8.33, unless specifically provided	CODE: Requires nonreversion of funds appropriated for the Motor
2 24	otherwise, moneys appropriated in this subsection that remain	Vehicle Division field facility maintenance projects through the end of
2 25	unencumbered or unobligated shall not revert but shall remain	FY 2014.
2 26	available for expenditure for the purposes designated until	
2 27	the close of the fiscal year that ends three years after the	
2 28	end of the fiscal year for which the appropriation was made.	
2 29	However, if the projects for which the appropriation was	
2 30	made are completed in an earlier fiscal year, unencumbered	
2 31	or unobligated moneys shall revert at the close of that same	
2 32	fiscal year.	
2 33	Sec. 2. PRIMARY ROAD FUND. There is appropriated from the	Division I, Section 2 provides appropriations from the Primary Road
2 34	primary road fund created in section 313.3 to the department of	Fund to the DOT for FY 2011.
2 35	transportation for the fiscal year beginning July 1, 2010, and	
3 1	ending June 30, 2011, the following amounts, or so much thereof	
3 2	as is necessary, to be used for the purposes designated:	
3 3	1. For salaries, support, maintenance, miscellaneous	Primary Road Fund appropriation to the Operations budget unit.
3 4	purposes, and for not more than the following full-time	
3 5	equivalent positions:	DETAIL: This is an increase of \$75,000 and 1.00 FTE position
3 6	a. Operations:	compared to estimated FY 2010. The Department also receives an
3 7	..... \$ 40,951,274	appropriation from the Road Use Tax Fund for the Operations budget
		unit in Section 1.2(a). The additional FTE position is being transferred

PG LN	Senate File 2381	Explanation
3 8	..... FTEs 312.00	from the Highway Division for a Civil Rights position. The DOT is creating a position to coordinate external and internal civil rights programs, including outreach to minority communities to aid in diversifying the workforce and to increase access to the Department.
3 9	b. Planning:	Primary Road Fund appropriation to the Planning budget unit.
3 10	..... \$ 9,610,960	
3 11	..... FTEs 131.00	DETAIL: Maintains the current level of funding and FTE positions compared to estimated FY 2010. The Department also receives an appropriation from the Road Use Tax Fund for the Planning budget unit in Section 1.2(b).
3 12	c. Highways:	Primary Road Fund appropriation to the Highways budget unit.
3 13	..... \$237,565,726	
3 14	..... FTEs 2,452.00	DETAIL: This is a net increase of \$1,303,000 and a decrease of 1.00 FTE position compared to estimated FY 2010. The changes include: <ul style="list-style-type: none"> • A decrease of \$75,000 and 1.00 FTE position for a transfer to Operations to create a Civil Rights position. • An increase of \$1,236,000 for salt costs. • An increase of \$142,000 to support additional lane miles added to the State road system.
3 15	d. Motor vehicles:	Primary Road Fund appropriation to the Motor Vehicles budget unit.
3 16	..... \$ 1,555,005	
3 17	..... FTEs 478.00	DETAIL: Maintains the current level of funding compared to FY 2010. The Motor Vehicles budget unit also receives an appropriation from the Road Use Tax Fund in Section 1.2(c), for a total appropriation of \$37,159,017. This combined funding represents a net decrease of \$1,148,000 and 20.00 FTE positions associated with implementation of the federal REAL ID Act. The DOT advises that it will use existing systems and staff to implement the REAL ID Act instead of needing additional FTEs as originally thought.
3 18	2. For payments to the department of administrative	Primary Road Fund appropriation for payment to the Department of Administrative Services (DAS) for personnel and utility services.
3 19	services for utility services:	

3 20 \$ 1,382,000

DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department also receives an appropriation from the Road Use Tax Fund for DAS Utility Services in Section 1.3 for a total appropriation of \$1,607,000. This combined funding represents no change compared to estimated FY 2010.

3 21 3. Unemployment compensation:

3 22 \$ 138,000

Primary Road Fund appropriation for the payment of unemployment compensation costs.

DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department also receives an appropriation for unemployment compensation from the Road Use Tax Fund in Section 1.4, for a total appropriation of \$145,000. This combined funding represents no change compared to estimated FY 2010.

3 23 4. For payments to the department of administrative
3 24 services for paying workers' compensation claims under
3 25 chapter 85 on behalf of the employees of the department of
3 26 transportation:

3 27 \$ 3,278,000

Primary Road Fund appropriation for the payment of workers' compensation costs.

DETAIL: This is a decrease of \$128,000 compared to estimated FY 2010. The Department also receives an appropriation for workers' compensation costs from the Road Use Tax Fund in Section 1.5 for a total appropriation of \$3,415,000. This combined funding represents a net decrease of \$133,000 compared to estimated FY 2010.

3 28 5. For disposal of hazardous wastes from field locations and
3 29 the central complex:

3 30 \$ 800,000

Primary Road Fund appropriation for costs associated with the disposal of hazardous wastes.

DETAIL: Maintains the current level of funding compared to estimated FY 2010. The appropriation will be used for costs associated with hazardous waste resulting from the day-to-day operations of the Department to comply with environmental regulations. The DOT contracts with the private sector for hazardous waste disposal services.

3 31 6. For payment to the general fund of the state for indirect

Primary Road Fund appropriation for payment of indirect cost

3 32	cost recoveries:	recoveries to the General Fund.
3 33	..... \$ 572,000	DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department also receives an appropriation from the Road Use Tax Fund for indirect cost recoveries in Section 1.6 for a total appropriation of \$650,000. This combined funding represents no change compared to estimated FY 2010.
3 34	7. For reimbursement to the auditor of state for audit	Primary Road Fund appropriation for State Auditor reimbursement.
3 35	expenses as provided in section 11.5B:	
4 1	..... \$ 415,181	DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department also receives an appropriation from the Road Use Tax Fund for State Auditor expenses in Section 1.7 for a total appropriation of \$482,000. The combined funding represents no change compared to estimated FY 2010.
4 2	8. For costs associated with producing transportation maps:	Primary Road Fund appropriation for costs associated with the
4 3	..... \$ 242,000	production of State transportation maps.
		DETAIL: Maintains the current level of funding compared to estimated FY 2010. The Department produces 1,500,000 transportation maps that are available at the DOT, driver's license stations, district offices, and rest areas. In addition, the DOT provides a portion of the maps to the Department of Economic Development for distribution to the State's welcome centers, tourist locations, and travel packets that are available on request.
4 4	9. For inventory and equipment replacement:	Primary Road Fund appropriation for inventory and equipment
4 5	..... \$ 2,250,000	replacement.
		DETAIL: Maintains the current level of funding compared to estimated FY 2010. The funds are deposited in the Materials and Equipment Revolving Fund, established in Code Section 307.47. The Fund pays for materials and supplies, inventoried stock supplies, maintenance and operational costs of equipment, and equipment replacements. Before each Legislative Session, the Department is required to submit to the Legislative Services Agency a purchase

		report for all equipment and vehicle purchases made from the Fund during the preceding fiscal year. This report is available online on the General Assembly website.
4 6	10. For utility improvements at various locations:	Primary Road Fund appropriation for utility improvements.
4 7	..... \$ 400,000	DETAIL: Maintains the current level of funding compared to estimated FY 2010. The funds are used for utility improvements at various locations throughout the State.
4 8	11. For roofing projects at various locations:	Primary Road Fund appropriation for garage roofing projects.
4 9	..... \$ 200,000	DETAIL: Maintains the current level of funding compared to estimated FY 2010. Funding is used for roofing improvements at various garage locations throughout the State. There are 113 maintenance garages around the State.
4 10	12. For heating, cooling, and exhaust system improvements	Primary Road Fund appropriation for heating, cooling, and exhaust
4 11	at various locations:	system improvements.
4 12	..... \$ 200,000	DETAIL: This is an increase of \$100,000 compared to estimated FY 2010. These funds are used for improvements at various locations throughout the State. For FY 2011, the entire \$200,000 will be used to replace the HVAC system at the DOT District 4 Office in Atlantic.
4 13	13. For deferred maintenance projects at field facilities	Primary Road Fund appropriation for deferred maintenance projects
4 14	throughout the state:	at various field facilities statewide.
4 15	..... \$ 1,000,000	DETAIL: Maintains the current level of funding compared to estimated FY 2010. The funds for FY 2011 will be used for converting north storage bays into wash bays, adding heated storage bays to the existing pole building, adding to the mechanics' bays, as well as remodeling of rest rooms at the Waterloo maintenance facility.
4 16	14. For federal Americans With Disabilities Act	Primary Road Fund appropriation for costs associated with

4 17	improvements at various locations:	improvements located throughout the State for compliance with the federal Americans with Disabilities Act.
4 18	..... \$ 120,000	
		DETAIL: Maintains the current level of funding compared to estimated FY 2010. For FY 2011, funds will be used for parking, exterior signage, exterior access, thresholds, interior halls, rest rooms, and interior signage at DOT laboratories in Decorah, Osceola, and Oskaloosa and the Cedar Rapids Resident Construction Engineer (RCE) Office.
4 19	15. For elevator upgrades at the Ames complex:	Primary Road Fund appropriation for costs associated with elevator upgrades at the DOT complex in Ames.
4 20	..... \$ 100,000	
		DETAIL: Maintains the current level of funding compared to estimated FY 2010. The funding is being used for improvements to four elevators that have been in service at the DOT complex in Ames for 37 years. The upgrades include new interiors, doors, controls, safety devices, and variable speed electrical motors for improved energy efficiency. This is the fifth year of funding for the upgrades. The DOT has received \$100,000 annually since FY 2007 for these upgrades, for a total of \$500,000. Total project cost is estimated at \$600,000. The Department anticipates that FY 2012 will be the last year of funding needed for this project.
4 21	16. For wastewater treatment improvements at various	Primary Road Fund appropriation for wastewater treatment improvements at maintenance garages.
4 22	locations:	
4 23	..... \$ 1,000,000	
		DETAIL: This is a new appropriation for FY 2011. The DOT has identified 20 maintenance garages that need wastewater sewer hookups to municipal sanitary sewer systems or reclamation systems in order to comply with the federal National Pollutant Discharge Elimination System (NPDES) program and its corresponding State wastewater permit requirements. Total cost for the project is estimated to be \$6,815,000. The DOT will complete the effort over seven fiscal years and will request approximately \$1,000,000 each year during that time. The garages identified are: Carlisle; Davenport; Denison; Dyersville; Malcom; Newhall; Dubuque; Maquoketa; West Burlington; Carroll; Independence; Knoxville; Correctionville; Elkader;

Hanlontown; Latimer; Tipton; Chariton; Osage; and Oskaloosa.

4 24 For purposes of section 8.33, unless specifically provided
 4 25 otherwise, moneys appropriated in subsections 10 through 16
 4 26 that remain unencumbered or unobligated shall not revert
 4 27 but shall remain available for expenditure for the purposes
 4 28 designated until the close of the fiscal year that ends
 4 29 three years after the end of the fiscal year for which the
 4 30 appropriation was made. However, if the project or projects
 4 31 for which such appropriation was made are completed in an
 4 32 earlier fiscal year, unencumbered or unobligated moneys shall
 4 33 revert at the close of that same fiscal year.

CODE: Requires nonreversion of funds appropriated for capital improvements in Sections 2.10 through 2.16 for four fiscal years. Funds are available through the end of FY 2014.

4 34 DIVISION ii

4 35 MISCELLANEOUS STATUTORY CHANGES

5 1 Sec. 3. Section 321.234A, subsection 1, paragraph a, Code
 5 2 2009, is amended to read as follows:

5 3 a. The operation is between sunrise and sunset and is
 5 4 incidental to the vehicle's use for agricultural purposes. For
 5 5 purposes of this paragraph, "incidental to the vehicle's use
 5 6 for agricultural purposes" includes stopping in the course of
 5 7 agricultural use to obtain fuel for the all-terrain vehicle or
 5 8 to obtain food or a nonalcoholic beverage for the operator.

CODE: Amends an exemption from the restriction on all-terrain vehicles operated on highways under Code Section 321.234A.

DETAIL: Provides that the exemption for operation of these vehicles on the highway during the day, if incidental to the vehicle's use for agricultural purposes, includes stopping to get fuel for the vehicle or food or non-alcoholic drink for the operator.

5 9 Sec. 4. Section 321.445, subsection 2, Code 2009, is amended
 5 10 to read as follows:

5 11 2. a. The driver and front seat occupants of a type of
 5 12 motor vehicle that is subject to registration in Iowa, except a
 5 13 motorcycle or a motorized bicycle, shall each wear a properly
 5 14 adjusted and fastened safety belt or safety harness any time
 5 15 the vehicle is in forward motion on a street or highway in this
 5 16 state except that a child under ~~eleven~~ eighteen years of age
 5 17 shall be secured as required under section 321.446.

5 18 b. This subsection does not apply to:

5 19 a. (1) The driver or front seat occupants of a motor

CODE: Amends provisions relating to child restraints in motor vehicles by requiring that all persons under 18 years of age in a motor vehicle, other than a school bus or motorcycle, be secured by an approved child restraint system or seat belt regardless of seating position. Provides an exemption in Code Section 321.446 for a child sitting in the back seat if all seat belts are used by other occupants or cannot be used because use of a child restraint system is occupying the seat that has the seat belt.

DETAIL: Current law under Code Sections 321.445 and 321.446 applies to children under 11 years of age. The Bill increases the age to include children under 18 years of age. The existing penalties in

5 20 vehicle which is not required to be equipped with safety belts
5 21 or safety harnesses.
5 22 ~~b.~~ (2) The driver and front seat occupants of a motor
5 23 vehicle who are actively engaged in work which requires them
5 24 to alight from and reenter the vehicle at frequent intervals,
5 25 providing the vehicle does not exceed twenty-five miles per
5 26 hour between stops.
5 27 ~~c.~~ (3) The driver of a motor vehicle while performing
5 28 duties as a rural letter carrier for the United States postal
5 29 service. This exemption applies only between the first
5 30 delivery point after leaving the post office and the last
5 31 delivery point before returning to the post office.
5 32 ~~d.~~ (4) Passengers on a bus.
5 33 ~~e.~~ (5) A person possessing a written certification from
5 34 a health care provider licensed under chapter 148 or 151 on a
5 35 form provided by the department that the person is unable to
6 1 wear a safety belt or safety harness due to physical or medical
6 2 reasons. The certification shall specify the time period for
6 3 which the exemption applies. The time period shall not exceed
6 4 twelve months, at which time a new certification may be issued
6 5 unless the certifying health care provider is from a United
6 6 States military facility, in which case the certificate may
6 7 specify a longer period of time or a permanent exemption.
6 8 ~~f.~~ (6) Front seat occupants of an authorized emergency
6 9 vehicle while they are being transported in an emergency.
6 10 However, this exemption does not apply to the driver of the
6 11 authorized emergency vehicle.
6 12 c. The department, in cooperation with the department of
6 13 public safety and the department of education, shall establish
6 14 educational programs to foster compliance with the safety belt
6 15 and safety harness usage requirements of this subsection.
6 16 Sec. 5. Section 321.446, subsections 2 and 3, Code 2009, are
6 17 amended to read as follows:
6 18 2. A child at least six years of age but under
6 19 ~~eleven~~ eighteen years of age who is being transported in
6 20 a motor vehicle subject to registration, except a school
6 21 bus or motorcycle, shall be secured during transit by a
6 22 child restraint system that is used in accordance with the

Code Sections 321.445 and 321.446 apply.

6 23 manufacturer's instructions or by a safety belt or safety
6 24 harness of a type approved under section 321.445.
6 25 3. This section does not apply to ~~peace~~ the following:
6 26 a. Peace officers acting on official duty. ~~This~~
6 27 ~~section also does not apply to the~~
6 28 b. The transportation of children in 1965 model year or
6 29 older vehicles, authorized emergency vehicles, buses, or motor
6 30 homes, except when a child is transported in a motor home's
6 31 passenger seat situated directly to the driver's right. ~~This~~
6 32 ~~section does not apply to the~~
6 33 c. The transportation of a child who has been certified
6 34 by a physician licensed under chapter 148 as having a
6 35 medical, physical, or mental condition that prevents or makes
7 1 inadvisable securing the child in a child restraint system,
7 2 safety belt, or safety harness.
7 3 d. A back seat occupant of a motor vehicle for whom no
7 4 safety belt is available because all safety belts are being
7 5 used by other occupants or cannot be used due to the use of a
7 6 child restraint system in the seating position for which a belt
7 7 is provided.

7 8 EXPLANATION

7 9 This bill makes and limits appropriations for FY 2010=2011
7 10 from the road use tax fund and the primary road fund to the
7 11 department of transportation and contains miscellaneous
7 12 statutory changes relating to transportation matters.
7 13 DIVISION I == APPROPRIATIONS. Appropriations from the
7 14 road use tax fund include appropriations for driver's
7 15 license production costs, salaries, operations, planning,
7 16 motor vehicles, utility services provided by the department
7 17 of administrative services, unemployment and workers'
7 18 compensation, indirect cost recoveries, audits, county issuance
7 19 of driver's licenses and vehicle registration and titling, a
7 20 system providing toll-free telephone road and weather reports,
7 21 participation in the Mississippi river parkway commission,
7 22 membership in North America's supercorridor coalition, and
7 23 motor vehicle division field facility maintenance projects.

7 24 Appropriations from the primary road fund include
7 25 appropriations for salaries, operations, planning, highways,
7 26 motor vehicles, utility services provided by the department
7 27 of administrative services, unemployment and workers'
7 28 compensation, hazardous waste disposal, indirect cost
7 29 recoveries, audits, production of transportation maps,
7 30 inventory and equipment replacement, utility projects,
7 31 roofing projects, heating and cooling improvements, deferred
7 32 maintenance at field facilities, various federal Americans With
7 33 Disabilities Act improvements, elevator upgrades at the Ames
7 34 complex, and wastewater treatment improvements.
7 35 DIVISION II == MISCELLANEOUS STATUTORY CHANGES. Current law
8 1 allows a person to operate an all-terrain vehicle on a highway
8 2 if the operation is incidental to the use of the vehicle for
8 3 agricultural purposes. The bill specifies that such incidental
8 4 use includes stopping to obtain fuel for the all-terrain
8 5 vehicle or food or a nonalcoholic beverage for the operator.
8 6 The bill requires that all persons under 18 years of age who
8 7 are being transported in a motor vehicle, other than a school
8 8 bus or motorcycle, be secured by an approved child restraint
8 9 system or a seat belt regardless of seating position.
8 10 The bill provides an exemption from child restraint
8 11 requirements in situations where a child occupying a back seat
8 12 is not restrained because all safety belts in the vehicle are
8 13 in use or cannot be used because a child restraint system is
8 14 occupying the seating position for which a belt is provided.
8 15 Pursuant to existing law, a motor vehicle operator who
8 16 violates child restraint requirements commits a simple
8 17 misdemeanor subject to a scheduled fine of \$25. However, such
8 18 offenses are not considered for purposes of determining a
8 19 habitual offender of motor vehicle laws.
8 20 LSB 5095SV (1) -83
8 21 dea/tm

Summary Data

Other Funds

	Actual FY 2009	Estimated Net FY 2010	Senate Approp FY 2011	Senate Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Transportation, Infrastructure, and Capitals	\$ 333,275,900	\$ 352,360,566	\$ 350,731,566	\$ -1,629,000	
Grand Total	<u><u>\$ 333,275,900</u></u>	<u><u>\$ 352,360,566</u></u>	<u><u>\$ 350,731,566</u></u>	<u><u>\$ -1,629,000</u></u>	

Transportation, Infrastructure, and Capitals

Other Funds

	Actual FY 2009	Estimated Net FY 2010	Senate Approp FY 2011	Senate Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Transportation, Dept. of</u>					
Transportation, Dept. of					
RUTF-Driver's Licenses	\$ 3,047,000	\$ 3,714,000	\$ 3,876,000	\$ 162,000	PG 1 LN 9
RUTF-Operations	6,524,336	6,654,962	6,654,962	0	PG 1 LN 18
RUTF-Planning & Programming	501,515	506,127	506,127	0	PG 1 LN 22
RUTF-Motor Vehicle	35,184,012	36,752,012	35,604,012	-1,148,000	PG 1 LN 24
RUTF-DAS	183,000	225,000	225,000	0	PG 1 LN 26
RUTF-Unemployment Compensation	17,000	7,000	7,000	0	PG 1 LN 29
RUTF-Workers' Compensation	117,000	142,000	137,000	-5,000	PG 1 LN 31
RUTF-Indirect Cost Recoveries	102,000	78,000	78,000	0	PG 1 LN 35
RUTF-Auditor Reimbursement	64,082	67,319	67,319	0	PG 2 LN 3
RUTF-County Treasurers Support	1,442,000	1,394,000	1,406,000	12,000	PG 2 LN 6
RUTF-Road/Weather Conditions Info	100,000	100,000	100,000	0	PG 2 LN 10
RUTF-Mississippi River Park. Comm.	61,000	40,000	40,000	0	PG 2 LN 14
RUTF-N. America Super Corridor Coalition	50,000	50,000	50,000	0	PG 2 LN 17
PRF-Operations	40,653,860	40,876,274	40,951,274	75,000	PG 3 LN 3
PRF-Planning & Programming	9,616,696	9,610,960	9,610,960	0	PG 3 LN 9
PRF-Highway	223,274,176	236,262,726	237,565,726	1,303,000	PG 3 LN 12
PRF-Motor Vehicle	2,020,005	1,555,005	1,555,005	0	PG 3 LN 15
PRF-DAS	1,121,000	1,382,000	1,382,000	0	PG 3 LN 18
PRF-DOT Unemployment	328,000	138,000	138,000	0	PG 3 LN 21
PRF-DOT Workers' Compensation	2,814,000	3,406,000	3,278,000	-128,000	PG 3 LN 23
PRF-Garage Fuel & Waste Mgmt.	800,000	800,000	800,000	0	PG 3 LN 28
PRF-Indirect Cost Recoveries	748,000	572,000	572,000	0	PG 3 LN 31
PRF-Auditor Reimbursement	395,218	415,181	415,181	0	PG 3 LN 34
PRF-Transportation Maps	242,000	242,000	242,000	0	PG 4 LN 2
PRF-Inventory & Equip.	2,250,000	2,250,000	2,250,000	0	PG 4 LN 4
PRF-Field Facility Deferred Maint.	500,000	1,000,000	1,000,000	0	PG 4 LN 13
Total Transportation, Dept. of	\$ 332,155,900	\$ 348,240,566	\$ 348,511,566	\$ 271,000	

Transportation, Infrastructure, and Capitals

Other Funds

	Actual FY 2009	Estimated Net FY 2010	Senate Approp FY 2011	Senate Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Transportation Capitals</u>					
Transportation Capital					
PRF-Rockwell City Garage	\$ 0	\$ 3,000,000	\$ 0	\$ -3,000,000	
Waste Water Treatment	0	0	1,000,000	1,000,000	PG 4 LN 21
RUTF-Scale/MVD Facilities Maint.	200,000	200,000	200,000	0	PG 2 LN 20
PRF-Utility Improvements	400,000	400,000	400,000	0	PG 4 LN 6
PRF-Garage Roofing Projects	200,000	200,000	200,000	0	PG 4 LN 8
PRF-HVAC Improvements	100,000	100,000	200,000	100,000	PG 4 LN 10
PRF-ADA Improvements	120,000	120,000	120,000	0	PG 4 LN 16
PRF-Ames Elevator Upgrade	100,000	100,000	100,000	0	PG 4 LN 19
Total Transportation Capitals	\$ 1,120,000	\$ 4,120,000	\$ 2,220,000	\$ -1,900,000	
Total Transportation, Infrastructure, and Capitals	\$ 333,275,900	\$ 352,360,566	\$ 350,731,566	\$ -1,629,000	

Summary Data

FTE

	Actual FY 2009	Estimated Net FY 2010	Senate Approp FY 2011	Senate Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Transportation, Infrastructure, and Capitals	3,018.24	3,393.00	3,373.00	-20.00	
Grand Total	<u>3,018.24</u>	<u>3,393.00</u>	<u>3,373.00</u>	<u>-20.00</u>	

Transportation, Infrastructure, and Capitals

FTE

	Actual FY 2009	Estimated Net FY 2010	Senate Approp FY 2011	Senate Approp vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<u>Transportation, Dept. of</u>					
Transportation, Dept. of					
PRF-Operations	296.54	311.00	312.00	1.00	PG 3 LN 3
PRF-Planning & Programming	105.38	131.00	131.00	0.00	PG 3 LN 9
PRF-Highway	2,138.35	2,453.00	2,452.00	-1.00	PG 3 LN 12
PRF-Motor Vehicle	477.97	498.00	478.00	-20.00	PG 3 LN 15
Total Transportation, Dept. of	3,018.24	3,393.00	3,373.00	-20.00	
Total Transportation, Infrastructure, and Capitals	3,018.24	3,393.00	3,373.00	-20.00	

**DEPARTMENT OF TRANSPORTATION FY 2011 APPROPRIATIONS BILL
SENATE FILE 2381**

	Estimated FY 2010	SF 2381 FY 2011	SF 2381 vs. FY 2010	Percent Change
Drivers' License Equipment Lease/				
Central Issuance				
Road Use Tax Fund	\$ 3,714,000	\$ 3,876,000	\$ 162,000	4.4%
Operations				
Road Use Tax Fund	\$ 6,654,962	\$ 6,654,962	\$ 0	0.0%
Primary Road Fund	40,876,274	40,951,274	75,000	0.2%
Total Operations	\$ 47,531,236	\$ 47,606,236	\$ 75,000	0.2%
FTEs	311.0	312.0	1.0	0.3%
Planning & Programming				
Road Use Tax Fund	\$ 506,127	\$ 506,127	\$ 0	0.0%
Primary Road Fund	9,610,960	9,610,960	0	0.0%
Total Planning & Programming	\$ 10,117,087	\$ 10,117,087	\$ 0	0.0%
FTEs	131.0	131.0	0.0	0.0%
Motor Vehicles				
Road Use Tax Fund	\$ 36,752,012	\$ 35,604,012	\$ -1,148,000	-3.1%
Primary Road Fund	1,555,005	1,555,005	0	0.0%
Total Motor Vehicles	\$ 38,307,017	\$ 37,159,017	\$ -1,148,000	-3.0%
FTEs	498.0	478.0	-20.0	-4.0%
Highway				
Primary Road Fund	\$ 236,262,726	\$ 237,565,726	\$ 1,303,000	0.6%
FTEs	2,453.0	2,452.0	-1.0	0.0%
Dept. of Administrative Services (DAS)				
Road Use Tax Fund	\$ 225,000	\$ 225,000	\$ 0	0.0%
Primary Road Fund	1,382,000	1,382,000	0	0.0%
Total DAS	\$ 1,607,000	\$ 1,607,000	\$ 0	0.0%
Unemployment Compensation				
Road Use Tax Fund	\$ 7,000	\$ 7,000	\$ 0	0.0%
Primary Road Fund	138,000	138,000	0	0.0%
Total Unemployment Comp.	\$ 145,000	\$ 145,000	\$ 0	0.0%
Workers' Compensation				
Road Use Tax Fund	\$ 142,000	\$ 137,000	\$ -5,000	-3.5%
Primary Road Fund	3,406,000	3,278,000	-128,000	-3.8%
Total Workers' Comp	\$ 3,548,000	\$ 3,415,000	\$ -133,000	-3.7%
Indirect Cost Recoveries				
Road Use Tax Fund	\$ 78,000	\$ 78,000	\$ 0	0.0%
Primary Road Fund	572,000	572,000	0	0.0%
Total Indirect Cost Recoveries	\$ 650,000	\$ 650,000	\$ 0	0.0%
Auditor Reimbursement				
Road Use Tax Fund	\$ 67,319	\$ 67,319	\$ 0	0.0%
Primary Road Fund	415,181	415,181	0	0.0%
Total Auditor Reimbursement	\$ 482,500	\$ 482,500	\$ 0	0.0%
County Treasurers Support				
Road Use Tax Fund	\$ 1,394,000	\$ 1,406,000	\$ 12,000	0.9%

**DEPARTMENT OF TRANSPORTATION FY 2011 APPROPRIATIONS BILL
SENATE FILE 2381**

	Estimated FY 2010	SF 2381 FY 2011	SF 2381 vs. FY 2010	Percent Change
511 Road/Weather Conditions				
Road Use Tax Fund	\$ 100,000	\$ 100,000	\$ 0	0.0%
Mississippi River Parkway Commission				
Road Use Tax Fund	\$ 40,000	\$ 40,000	\$ 0	0.0%
North America Superhighway Corridor				
Road Use Tax Fund	\$ 50,000	\$ 50,000	\$ 0	0.0%
MVD Field Facility Maintenance				
Road Use Tax Fund	\$ 200,000	\$ 200,000	\$ 0	0.0%
Garage Fuel & Waste Management				
Primary Road Fund	\$ 800,000	\$ 800,000	\$ 0	0.0%
Transportation Maps				
Primary Road Fund	\$ 242,000	\$ 242,000	\$ 0	0.0%
Inventory & Equipment Replacement				
Primary Road Fund	\$ 2,250,000	\$ 2,250,000	\$ 0	0.0%
Utility Improvements				
Primary Road Fund	\$ 400,000	\$ 400,000	\$ 0	0.0%
Garage Roofing Projects				
Primary Road Fund	\$ 200,000	\$ 200,000	\$ 0	0.0%
HVAC Improvements				
Primary Road Fund	\$ 100,000	\$ 200,000	\$ 100,000	100.0%
Field Facility Deferred Maintenance				
Primary Road Fund	\$ 1,000,000	\$ 1,000,000	\$ 0	0.0%
ADA Improvements				
Primary Road Fund	\$ 120,000	\$ 120,000	\$ 0	0.0%
Ames Elevator Upgrade				
Primary Road Fund	\$ 100,000	\$ 100,000	\$ 0	0.0%
Wastewater Treatment Upgrades -Garages				
Primary Road Fund	\$ 0	\$ 1,000,000	\$ 1,000,000	100.0%
Rockwell City Garage				
Primary Road Fund	\$ 3,000,000	\$ 0	\$ -3,000,000	-100.0%
Subtotal Road Use Tax Fund	<u>\$ 49,930,420</u>	<u>\$ 48,951,420</u>	<u>\$ -979,000</u>	<u>-2.0%</u>
Subtotal Primary Road Fund	<u>\$ 302,430,146</u>	<u>\$ 301,780,146</u>	<u>\$ -650,000</u>	<u>-0.2%</u>
TOTAL DOT	<u><u>\$ 352,360,566</u></u>	<u><u>\$ 350,731,566</u></u>	<u><u>\$ -1,629,000</u></u>	<u><u>-0.5%</u></u>
TOTAL FTEs	3,393.0	3,373.0	-20.0	-0.6%
Other Changes in Funding - One Time Funding FY 2010				
Reimbursement to City of Muscatine (RUTF)	\$ 1,072	\$ 0	\$ -1,072	-100.0%
Payment to City of Cedar Falls (RUTF)	317,906	0	-317,906	-100.0%
Cities/Counties Local Roads (Federal Recovery)	5,550,000	0	-5,550,000	-100.0%
Total One Time Funding FY 2010	<u>\$ 5,868,978</u>	<u>\$ 0</u>	<u>\$ -5,868,978</u>	<u>-100.0%</u>